

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT G. WYCKOFF,	)	
	)	
	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	
	)	Civil Action No. 00-2248
METROPOLITAN LIFE INSURANCE COMPANY	)	
and KENNETH F. KACZMAREK,	)	
	)	
	)	
Defendants.	)	

AMBROSE, Chief District Judge.

**ORDER OF COURT**

Defendants Metropolitan Life Insurance Company and Kenneth F. Kaczmarek (collectively referred to as "MetLife") have filed a Motion to Exclude the Deposition Testimony of Robert Wyckoff. See Docket No. 79. Although Wyckoff's deposition was listed on the exhibit list, no deposition designations were submitted by September 27, 2006 as were required by Order of Court dated September 14, 2006. MetLife seeks the exclusion of the deposition transcripts (exhibit nos. 4 and 13) on this basis.

Plaintiff concedes the failure to comply with the Order of Court and indeed offers no explanation for his failure in this regard. In addition, Plaintiff explains that he "does not intend to have his deposition read at trial since Plaintiff will be

testifying in person." See Docket No. 114, p. 1.

Consequently, this **26<sup>th</sup>** day of October, 2006, it is Ordered that the Motion to Exclude Deposition Testimony of Robert Wycoff (Docket No. 79) is GRANTED.

BY THE COURT:

/S/ Donetta W. Ambrose

Donetta W. Ambrose,  
Chief U.S. District Judge